

Senate File 205 - Introduced

SENATE FILE 205

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1083)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, including provisions relating to the
3 regulation of motor vehicles and motor vehicle operations
4 and provisions relating to the coordination of public
5 transit funding programs, and making penalties applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I
MOTOR VEHICLE

Section 1. Section 307.27, subsection 8, Code 2011, is amended to read as follows:

8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. § ~~14504~~ 14504a and United States department of transportation regulations.

Sec. 2. Section 321.1, subsection 15, Code 2011, is amended to read as follows:

15. "*Conviction*" means a final conviction, including but not limited to a plea of guilty or nolo contendere accepted by the court; a final administrative ruling or determination~~;~~ or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court.

Sec. 3. Section 321.47, subsection 2, Code 2011, is amended to read as follows:

2. The persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon fulfilling the other requirements of

1 this chapter, are entitled to the issuance of a registration
2 card for the interest of the decedent in the vehicle and a
3 certificate of title to the vehicle. The affidavit shall
4 contain the same information and indemnity agreement as is
5 required in cases of intestacy pursuant to this section. A
6 requirement of chapter 450 or 451 shall not be considered
7 satisfied by the filing of the affidavit provided for in this
8 section. If, from the records in the office of the county
9 treasurer, there appear to be any liens on the vehicle, the
10 certificate of title shall contain a statement of the liens
11 unless the application is accompanied by proper evidence of
12 their satisfaction or extinction. Evidence of extinction
13 may consist of, but is not limited to, an affidavit of the
14 applicant stating that a security interest was foreclosed as
15 provided in chapter 554, article 9, part 6. The department
16 shall waive the certificate of title fee and surcharge required
17 under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and
18 321.52A if the person entitled to possession and ownership of
19 a vehicle, as provided in this subsection, is the surviving
20 spouse of a decedent.

21 Sec. 4. Section 321.113, Code 2011, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 5. As used in this section, "owner"
24 includes a surviving spouse who is required to transfer title
25 pursuant to section 321.46 or 321.47.

26 Sec. 5. Section 321.121, subsection 1, paragraph b, Code
27 2011, is amended to read as follows:

28 b. If the registration is a renewal for a special truck
29 registered to the same owner prior to January 1, 2009, the
30 annual registration fee shall be eighty dollars for a gross
31 weight of six tons, one hundred dollars for a gross weight of
32 seven tons, one hundred twenty dollars for a gross weight of
33 eight tons, and in addition, fifteen dollars for each ton over
34 eight tons and not exceeding eighteen tons. As used in this
35 paragraph, "owner" includes a surviving spouse who is required

1 to transfer title pursuant to section 321.46 or 321.47.

2 Sec. 6. Section 321.122, subsection 1, paragraph b, Code
3 2011, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (3) As used in this paragraph "b",
5 "owner" includes a surviving spouse who is required to transfer
6 title pursuant to section 321.46 or 321.47.

7 Sec. 7. Section 321.174, subsection 2, Code 2011, is amended
8 to read as follows:

9 2. a. A person operating a commercial motor vehicle shall
10 not have more than one driver's license. A nonresident may
11 operate a commercial motor vehicle in Iowa if the nonresident
12 has been issued a license by another state, a nonresident
13 commercial driver's license, or a driver's license issued by a
14 foreign jurisdiction which the federal highway administration
15 has determined to be issued in conformity with the federal
16 commercial driver testing and licensing standards, if the
17 license, commercial driver's license, or driver's license is
18 valid for the vehicle operated.

19 b. A person who operates a commercial motor vehicle upon the
20 highways of this state without having been issued a driver's
21 license valid for the vehicle operated commits a simple
22 misdemeanor.

23 c. A person who operates a commercial motor vehicle upon the
24 highways of this state after the person's commercial driver's
25 license has been downgraded to a noncommercial status pursuant
26 to section 321.207 commits a simple misdemeanor.

27 Sec. 8. Section 321.178, subsection 2, Code 2011, is amended
28 to read as follows:

29 2. *Restricted license.*

30 a. (1) A person between sixteen and eighteen years of age
31 who has completed an approved driver's education course and is
32 not in attendance at school and has not met the requirements
33 described in section 299.2, subsection 1, may be issued a
34 restricted license only for travel to and from work or to
35 transport dependents to and from temporary care facilities,

1 if necessary for the person to maintain the person's present
2 employment. The restricted license shall be issued by the
3 department only upon confirmation of the person's employment
4 and need for a restricted license to travel to and from work or
5 to transport dependents to and from temporary care facilities
6 if necessary to maintain the person's employment. The employer
7 shall notify the department if the employment of the person is
8 terminated before the person attains the age of eighteen.

9 (2) (a) A person issued a restricted license under this
10 section shall not use an electronic communication device or an
11 electronic entertainment device while driving a motor vehicle
12 unless the motor vehicle is at a complete stop off the traveled
13 portion of the roadway. This subparagraph division does not
14 apply to the use of electronic equipment which is permanently
15 installed in the motor vehicle or to a portable device which is
16 operated through permanently installed equipment. ~~A violation~~
17 ~~of this subparagraph division shall not be considered a moving~~
18 ~~violation except for purposes of section 321.193.~~

19 (b) For the period beginning July 1, 2010, through June
20 30, 2011, peace officers shall issue only warning citations
21 for violations of subparagraph division (a). The department,
22 in cooperation with the department of public safety, shall
23 establish educational programs to foster compliance with the
24 requirements of subparagraph division (a).

25 b. The department may suspend a restricted driver's license
26 issued under this section upon receiving satisfactory evidence
27 that the licensee has violated the restrictions imposed under
28 paragraph "a", subparagraph (2), subparagraph division (a).
29 The department may also suspend a restricted license issued
30 under this section upon receiving a record of the person's
31 conviction for one violation and shall revoke the license upon
32 receiving a record of conviction for two or more violations
33 of a law of this state or a city ordinance regulating the
34 operation of motor vehicles on highways, other than parking
35 violations as defined in section 321.210. After revoking a

1 license under this section the department shall not grant an
 2 application for a new license or permit until the expiration
 3 of one year or until the person attains the age of eighteen
 4 whichever is the longer period.

5 c. A person who violates the restrictions imposed under
 6 paragraph "a", subparagraph (2), subparagraph division (a),
 7 may be issued a citation under this section and shall not be
 8 issued a citation under section 321.193. A violation of the
 9 restrictions imposed under paragraph "a", subparagraph (2),
 10 subparagraph division (a), shall not be considered a moving
 11 violation.

12 Sec. 9. Section 321.180B, subsection 3, Code 2011, is
 13 amended to read as follows:

14 3. *Remedial driver improvement action — suspension of*
 15 *permit, intermediate license, or full license.*

16 a. A person who has been issued an instruction permit,
 17 an intermediate license, or a full driver's license under
 18 this section, upon conviction of a moving traffic violation
 19 or involvement in a motor vehicle accident which occurred
 20 during the term of the instruction permit or intermediate
 21 license, shall be subject to remedial driver improvement action
 22 or suspension of the permit or current license. A person
 23 possessing an instruction permit who has been convicted of a
 24 moving traffic violation or has been involved in an accident
 25 shall not be issued an intermediate license until the person
 26 has completed the remedial driver improvement action and
 27 has been accident and violation free continuously for the
 28 six-month period immediately preceding the application for the
 29 intermediate license. A person possessing an intermediate
 30 license who has been convicted of a moving traffic violation
 31 or has been involved in an accident shall not be issued a full
 32 driver's license until the person has completed the remedial
 33 driver improvement action and has been accident and violation
 34 free continuously for the twelve-month period immediately
 35 preceding the application for a full driver's license.

1 b. The department may suspend an instruction permit,
 2 intermediate license, or full license issued under this section
 3 upon receiving satisfactory evidence that the person issued
 4 the instruction permit, intermediate license, or full license
 5 violated the restrictions imposed under subsection 1, 2, or
 6 6 during the term of the instruction permit or intermediate
 7 license.

8 Sec. 10. Section 321.180B, subsection 6, paragraph a, Code
 9 2011, is amended to read as follows:

10 a. A person issued an instruction permit or intermediate
 11 driver's license under this section shall not use an electronic
 12 communication device or an electronic entertainment device
 13 while driving a motor vehicle unless the motor vehicle is at a
 14 complete stop off the traveled portion of the roadway. This
 15 paragraph does not apply to the use of electronic equipment
 16 which is permanently installed in the motor vehicle or to
 17 a portable device which is operated through permanently
 18 installed equipment. ~~A violation of this paragraph shall not~~
 19 ~~be considered a moving violation except for purposes of section~~
 20 ~~321.193.~~

21 Sec. 11. Section 321.180B, Code 2011, is amended by adding
 22 the following new subsection:

23 NEW SUBSECTION. 6A. *Citations for violation of*
 24 *restrictions.* A person who violates the restrictions imposed
 25 under subsection 1, 2, or 6 may be issued a citation under
 26 this section and shall not be issued a citation under section
 27 321.193. A violation of the restrictions imposed under
 28 subsection 1, 2, or 6 shall not be considered a moving
 29 violation.

30 Sec. 12. Section 321.186A, subsection 1, Code 2011, is
 31 amended to read as follows:

32 1. An applicant for a new or renewed driver's license ~~other~~
 33 ~~than a commercial driver's license~~ need not take a vision test
 34 administered by the department if the applicant files with
 35 the department a vision report signed by a licensed vision

1 specialist in accordance with this section.

2 Sec. 13. Section 321.188, subsection 1, paragraph c, Code
3 2011, is amended to read as follows:

4 c. Successfully pass knowledge tests and driving skills
5 tests ~~which the department shall require by rule~~, provide
6 self-certification of type of driving, and provide a medical
7 examiner's certificate prepared by a medical examiner, as
8 defined in 49 C.F.R. § 390.5, as required by rule by the
9 department. The rules adopted shall substantially comply
10 with the federal minimum testing and licensing requirements
11 in 49 C.F.R. part 383, subparts E, G, and H, as adopted by
12 rule by the department. Except as required under 49 C.F.R.
13 part 383, subpart E, G, or H, a commercial driver's license is
14 renewable without a driving skills test within one year after
15 its expiration date.

16 Sec. 14. Section 321.188, subsection 4, Code 2011, is
17 amended to read as follows:

18 4. The department shall check the applicant's driving
19 record as maintained by the applicant's current licensing
20 state, the national commercial driver's license information
21 system, and the national driver register to determine whether
22 the applicant qualifies to be issued a commercial driver's
23 license. The department shall notify the national commercial
24 driver's license information system of the issuance, renewal,
25 or upgrade of a commercial driver's license and shall post the
26 driver's self-certification of type of driving as required by
27 rule. The department shall also post information from the
28 medical examiner's certificate required under subsection 1,
29 paragraph "c", to the national commercial driver's license
30 information system, if required by rule.

31 Sec. 15. Section 321.194, subsection 1, paragraph c,
32 subparagraph (1), Code 2011, is amended to read as follows:

33 (1) A person issued a driver's license under this section
34 shall not use an electronic communication device or an
35 electronic entertainment device while driving a motor vehicle

1 unless the motor vehicle is at a complete stop off the traveled
 2 portion of the roadway. This subparagraph does not apply to
 3 the use of electronic equipment which is permanently installed
 4 in the motor vehicle or to a portable device which is operated
 5 through permanently installed equipment. ~~A violation of this~~
 6 ~~subparagraph shall not be considered a moving violation except~~
 7 ~~for purposes of section 321.193.~~

8 Sec. 16. Section 321.194, Code 2011, is amended by adding
 9 the following new subsection:

10 NEW SUBSECTION. 3. *Citations for violation of*
 11 *restrictions.* A person who violates the restrictions imposed
 12 under subsection 1, paragraph "a" or "c", may be issued a
 13 citation under this section and shall not be issued a citation
 14 under section 321.193. A violation of the restrictions
 15 imposed under subsection 1, paragraph "a" or "c", shall not be
 16 considered a moving violation.

17 Sec. 17. NEW SECTION. 321.207 **Downgrade of commercial**
 18 **driver's license.**

19 The department shall adopt rules for downgrading a
 20 commercial driver's license to a noncommercial status upon a
 21 driver's failure to provide a medical examiner's certificate as
 22 required pursuant to section 321.188, subsection 1, paragraph
 23 "c", or upon a driver's failure to provide a self-certification
 24 of type of driving as required pursuant to section 321.188,
 25 subsection 1, paragraph "c". The rules shall substantially
 26 comply with 49 C.F.R. § 383.71 and 383.73, as adopted by rule
 27 by the department.

28 Sec. 18. Section 321.376, Code 2011, is amended by adding
 29 the following new subsection:

30 NEW SUBSECTION. 3. As used in this section and section
 31 321.375, "driver of a school bus" or "school bus driver" does not
 32 include a mechanic, delivery driver, or other person operating
 33 an empty school bus for purposes other than the transportation
 34 of passengers. Such persons must still hold a commercial
 35 driver's license valid for the operation of a vehicle of the

1 size and type operated, including a passenger endorsement, but
2 are not required to hold a driver's license with a school bus
3 endorsement.

4 Sec. 19. Section 321A.5, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. The department shall, immediately or within sixty days
7 after the receipt of a report of a motor vehicle accident
8 within this state which has resulted in bodily injury or death
9 or damage to the property of any one person in the amount of one
10 thousand five hundred dollars or more, suspend the license of
11 each operator and all registrations of each owner of a motor
12 vehicle in any manner involved in the accident, and if the
13 operator is a nonresident the privilege of operating a motor
14 vehicle within this state, and if the owner is a nonresident
15 the privilege of the use within this state of any motor vehicle
16 owned by the owner, unless the operator or owner or both
17 shall deposit security in a sum which shall be sufficient in
18 the judgment of the department to satisfy any judgment or
19 judgments for damages resulting from the accident as may be
20 recovered against the operator or owner; provided notice of the
21 suspension shall be sent by the department to the operator and
22 owner not less than ten days prior to the effective date of the
23 suspension and shall state the amount required as security.

24 Sec. 20. Section 321A.17, subsection 4, Code 2011, is
25 amended to read as follows:

26 4. An individual applying for a driver's license following a
27 period of suspension or revocation pursuant to a dispositional
28 order issued under section 232.52, subsection 2, paragraph
29 "a", or under section 321.180B, section 321.210, subsection
30 1, paragraph "a", subparagraph (4), or section 321.210A,
31 321.213A, 321.213B, 321.216B, or 321.513, following a period
32 of suspension under section 321.178 or 321.194, or following
33 a period of revocation pursuant to a court order issued under
34 section 901.5, subsection 10, or under section 321J.2A, is not
35 required to maintain proof of financial responsibility under

1 this section.

2 Sec. 21. Section 321G.10, Code 2011, is amended to read as
3 follows:

4 **321G.10 Accident reports.**

5 If a snowmobile is involved in an accident resulting in
6 injury or death to anyone or property damage amounting to one
7 thousand five hundred dollars or more, either the operator or
8 someone acting for the operator shall immediately notify the
9 county sheriff or another law enforcement agency in the state.
10 If the accident occurred on public land or ice under the
11 jurisdiction of the commission, the operator shall file with
12 the commission a report of the accident, within seventy-two
13 hours, containing information as the commission may require.
14 ~~For all~~ All other accidents resulting in injury or death or
15 ~~property damage amounting to one thousand dollars or more, the~~
16 ~~operator shall forward a written report to the department of~~
17 ~~transportation within seventy-two hours, unless the accident is~~
18 ~~investigated by a law enforcement agency as provided in~~ shall
19 be reported as required under section 321.266.

20 Sec. 22. Section 321I.11, Code 2011, is amended to read as
21 follows:

22 **321I.11 Accident reports.**

23 If an all-terrain vehicle is involved in an accident
24 resulting in injury or death to anyone or property damage
25 amounting to one thousand five hundred dollars or more,
26 either the operator or someone acting for the operator
27 shall immediately notify the county sheriff or another law
28 enforcement agency in the state. If the accident occurred on
29 public land or ice under the jurisdiction of the commission,
30 the operator shall file with the commission a report of the
31 accident, within seventy-two hours, containing information
32 as the commission may require. ~~For all~~ All other accidents
33 ~~resulting in injury or death or property damage amounting~~
34 ~~to one thousand dollars or more, the operator shall forward~~
35 ~~a written report to the department of transportation within~~

1 ~~seventy-two hours, unless the accident is investigated by a law~~
2 ~~enforcement agency as provided in~~ shall be reported as required
3 under section 321.266.

4 Sec. 23. Section 322C.3, Code 2011, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 10. A person who has been convicted of
7 a fraudulent practice, has been convicted of three or more
8 violations of section 321.92, subsection 2, or section 321.99,
9 or has been convicted of any other indictable offense in
10 connection with selling or other activity relating to vehicles,
11 in this state or any other state, shall not for a period of five
12 years from the date of conviction be an owner, salesperson,
13 employee, officer of a corporation, or representative of a
14 licensed travel trailer dealer or represent themselves as an
15 owner, salesperson, employee, officer of a corporation, or
16 representative of a licensed travel trailer dealer.

17 Sec. 24. Section 325A.4, subsection 1, paragraph e, Code
18 2011, is amended by striking the paragraph.

19 Sec. 25. Section 325A.21, Code 2011, is amended to read as
20 follows:

21 **325A.21** ~~Transferability of regular-route~~ Regular-route
22 certificate nontransferable.

23 A regular-route passenger certificate shall not be sold,
24 transferred, leased, or assigned ~~without the approval of the~~
25 ~~department. The department shall approve the sale, transfer,~~
26 ~~lease, or assignment if the person obtaining or seeking to~~
27 ~~obtain ownership or control of a certificate is found to be~~
28 ~~fit, willing, and able to perform the service proposed. In~~
29 ~~determining the fitness of the person seeking transfer of the~~
30 ~~certificate, the department shall consider only the person's~~
31 ~~compliance with safety, financial fitness, and insurance~~
32 ~~requirements.~~

33 Sec. 26. Section 327B.1, Code 2011, is amended to read as
34 follows:

35 **327B.1** Authority secured and registered.

1 1. ~~a.~~ It is unlawful for a carrier to perform an interstate
 2 transportation service for compensation upon the highways of
 3 this state without first registering the authority obtained
 4 from the United States department of transportation or evidence
 5 that such authority is not required with the state department
 6 of transportation.

7 ~~b.~~ 2. The department shall participate in the ~~single state~~
 8 ~~insurance registration program~~ unified carrier registration
 9 plan and agreement for regulated motor carriers as provided
 10 in 49 U.S.C. § ~~14504~~ 14504a and United States department of
 11 transportation regulations.

12 ~~c.~~ ~~Registration for carriers transporting commodities exempt~~
 13 ~~from United States department of transportation regulation~~
 14 ~~shall be granted without hearing upon application and payment~~
 15 ~~of a twenty-five-dollar filing fee and an annual one-dollar fee~~
 16 ~~per vehicle.~~

17 ~~d.~~ ~~The state department of transportation may execute~~
 18 ~~reciprocity agreements with authorized representatives of any~~
 19 ~~state exempting nonresidents from payment of fees as set forth~~
 20 ~~in this chapter. The state department of transportation shall~~
 21 ~~adopt rules pursuant to chapter 17A for the identification of~~
 22 ~~vehicles operated under reciprocity agreements.~~

23 ~~e.~~ ~~Fees may be subject to reduction or proration pursuant~~
 24 ~~to sections 326.5 and 326.32.~~

25 2. ~~a.~~ ~~On and after the date on which the secretary of the~~
 26 ~~United States department of transportation establishes the~~
 27 ~~unified carrier registration system in accordance with Title~~
 28 ~~49, United States Code, as amended by Pub. L. No. 109-59,~~

29 3. As provided in 49 U.S.C. § 14504a, a foreign or domestic
 30 motor carrier, motor private carrier, leasing company, broker,
 31 or freight forwarder shall not operate any motor vehicle on
 32 the highways of this state without first registering the motor
 33 vehicle under the unified carrier registration ~~system~~ agreement
 34 and paying all required fees.

35 ~~b.~~ ~~The state department of transportation shall continue~~

1 ~~to require each interstate for-hire motor carrier to make an~~
 2 ~~annual payment of one dollar per owned and operated vehicle for~~
 3 ~~filings made with the state department of transportation under~~
 4 ~~the single state registration system until the occurrence of~~
 5 ~~the transition termination date in accordance with 49 U.S.C.~~
 6 ~~§ 13902(f), as amended by Pub. L. No. 109-59.~~

7 ~~c. The state department of transportation may participate in~~
 8 ~~the unified carrier registration plan and agreement established~~
 9 ~~in accordance with 49 U.S.C. § 14504a, as amended by Pub.~~
 10 ~~L. No. 109-59, and to file on behalf of the state the plan~~
 11 ~~required by the provisions of 49 U.S.C. § 14504a(e).~~

12 ~~3. A motor carrier shall keep proper evidence of interstate~~
 13 ~~authority in the motor vehicle being operated by the motor~~
 14 ~~carrier and the motor carrier owner or driver shall make such~~
 15 ~~evidence available to a peace officer upon request.~~

16 ~~4. A motor carrier owner or driver charged with failure~~
 17 ~~to have proper evidence of interstate authority shall not be~~
 18 ~~convicted of such violation and the citation shall be dismissed~~
 19 ~~by the court if the person produces to the clerk of court prior~~
 20 ~~to the date of such person's court appearance as indicated on~~
 21 ~~the citation, proof of interstate authority issued to that~~
 22 ~~person and valid at the time the person was charged with the~~
 23 ~~violation under this section. Upon dismissal, the court or~~
 24 ~~clerk of court shall assess the costs of the action against the~~
 25 ~~defendant named on the citation.~~

26 ~~Sec. 27. Section 327B.2, Code 2011, is amended to read as~~
 27 ~~follows:~~

28 **327B.2 Enforcement.**

29 ~~The state department of transportation may designate by~~
 30 ~~resolution certain of its employees upon each of whom there~~
 31 ~~is hereby conferred the authority of a peace officer to make~~
 32 ~~arrests for violations of laws relating to the registration of~~
 33 ~~a motor carrier's interstate transportation service with the~~
 34 ~~state department of transportation registering a motor vehicle~~
 35 under the unified carrier registration agreement.

1 Sec. 28. Section 805.8A, subsection 13, paragraph f, Code
2 2011, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 *f.* For violations of section 327B.1, subsection 1 or 2, the
5 scheduled fine is two hundred fifty dollars.

6 Sec. 29. Section 805.8A, subsection 13, paragraph g, Code
7 2011, is amended by striking the paragraph.

8 Sec. 30. Section 901.5, subsection 10, Code 2011, is amended
9 to read as follows:

10 10. a. In addition to any sentence imposed pursuant to
11 chapter 902 or 903, the court shall order the state department
12 of transportation to revoke the defendant's driver's license or
13 motor vehicle operating privilege for a period of one hundred
14 eighty days, or to delay the issuance of a driver's license
15 for one hundred eighty days after the person is first eligible
16 if the defendant has not been issued a driver's license, and
17 shall send a copy of the order in addition to the notice of
18 conviction required under section 124.412, 126.26, or 453B.16,
19 to the state department of transportation, if the defendant is
20 being sentenced for any of the following offenses:

21 ~~a.~~ (1) A controlled substance offense under section
22 124.401, 124.401A, 124.402, or 124.403.

23 ~~b.~~ (2) A drug or drug-related offense under section 126.3.

24 ~~c.~~ (3) A controlled substance tax offense under chapter
25 453B.

26 b. If the person's operating privileges are suspended or
27 revoked at the time of sentencing, the order shall provide that
28 the one hundred eighty-day revocation period shall not begin
29 until all other suspensions or revocations have terminated.
30 ~~Any order under this section shall also provide that the~~
31 ~~department shall not issue a temporary restricted license to~~
32 ~~the defendant during the revocation period, without further~~
33 ~~order by the court.~~

34 DIVISION II
35 TRANSIT REPORT

1 Sec. 31. Section 324A.4, subsection 2, Code 2011, is amended
2 to read as follows:

3 2. *a.* Upon request, the department shall provide assistance
4 to political subdivisions, state agencies, and organizations
5 affected by this chapter for federal aid applications for urban
6 and rural transit system program aid. The department, in
7 cooperation with the regional planning agencies, shall maintain
8 current information reflecting the amount of federal, state,
9 and local aid received by the public and private nonprofit
10 organizations providing public transit services and the purpose
11 for which the aid is received. The department shall ~~annually~~
12 biennially prepare a report to be submitted to the general
13 assembly, ~~the department of management,~~ and to the governor,
14 prior to February 1 of each year, ~~stating the receipts and~~
15 ~~disbursements made during the preceding fiscal year and the~~
16 ~~adequacy of programs financed by federal, state, local, and~~
17 ~~private aid in the state. The department shall analyze the~~
18 ~~programs financed and~~ December 15 of even-numbered years.
19 The report shall recommend methods of avoiding duplication
20 and increasing the efficacy of programs financed to increase
21 transportation coordination and improve the efficiency of
22 federal, state, and local government programs used to finance
23 public transit services and may address other topics as
24 appropriate. The department ~~shall receive comments from the~~
25 ~~department of human services,~~ the department on aging, and
26 the officers and agents of the other affected state and local
27 government units ~~relative to the department's analysis~~ shall
28 provide input as requested by the department.

29 *b.* The department shall use the following criteria to adopt
30 rules to determine compliance with and exceptions to subsection
31 1:

32 (1) Elimination of duplicative and inefficient
33 administrative costs, policies, and management.

34 (2) Utilization of resources for transportation services
35 effectively and efficiently.

1 (3) Elimination of duplicative and inefficient
2 transportation services.

3 (4) Development of transportation services which meet the
4 needs of the general public and insure services adequate to the
5 needs of transportation disadvantaged persons.

6 (5) Protection of the rights of private enterprise public
7 transit providers.

8 (6) Coordination of planning for transportation services at
9 the urban and regional level by all agencies or organizations
10 receiving public funds that are purchasing or providing
11 transportation services.

12 (7) Management of equipment and facilities purchased with
13 public funds so that efficient and routine maintenance and
14 replacement is accomplished.

15 (8) Training of transit management, drivers, and
16 maintenance personnel to provide safe, efficient, and
17 economical transportation services.

18 ~~b.~~ c. Eligibility to receive or expend federal, state,
19 or local funds for transportation services by all agencies or
20 organizations purchasing or providing these services shall be
21 contingent upon compliance with these criteria as determined
22 by the department.

23 EXPLANATION

24 This bill contains provisions relating to the regulation of
25 motor vehicles and the coordination of public transit funding
26 programs by the department of transportation.

27 DIVISION I — MOTOR VEHICLES. The definition of
28 "conviction" in Code section 321.1 is amended, for purposes
29 of Code chapter 321, to include a plea of guilty or nolo
30 contendere accepted by the court.

31 Code section 321.47 is amended to require the department to
32 waive the \$20 title fee and \$5 certificate of title surcharge
33 when ownership of a vehicle is transferred from a decedent
34 to the surviving spouse of the decedent who is entitled to
35 ownership of the vehicle under the laws of descent or the terms

1 of the decedent's will. In addition, the bill amends Code
2 sections 321.113, 321.121, and 321.122 to provide that, for
3 purposes of calculating the annual registration fee of a motor
4 vehicle that is transferred to a surviving spouse, the term
5 "owner" includes the surviving spouse.

6 Code section 321.174 is amended to specify that a person
7 commits a simple misdemeanor if the person operates a
8 commercial motor vehicle after the person's commercial driver's
9 license has been downgraded to noncommercial status.

10 Code section 321.178 is amended to provide that the
11 department may suspend a restricted driver's license issued
12 to a person between 16 and 18 years of age if the department
13 receives satisfactory evidence that the licensee has used an
14 electronic communication or entertainment device while driving.
15 The bill also provides that if a citation is issued for such
16 a violation it must be issued under Code section 321.178 and
17 not Code section 321.193, relating to license restrictions in
18 general.

19 Code section 321.180B is amended to provide that the
20 department may suspend an instruction permit, an intermediate
21 driver's license, or a full driver's license of a person
22 under 21 years of age if the department receives satisfactory
23 evidence that the person violated the restrictions of their
24 instruction permit or intermediate driver's license, including
25 the restriction against use of an electronic communication or
26 entertainment device while driving. The bill also provides
27 that if a citation is issued for such a violation it must
28 be issued under Code section 321.180B and not Code section
29 321.193, relating to license restrictions in general.

30 Code section 321.186A is amended to allow an applicant for a
31 commercial driver's license to submit a vision report signed by
32 a licensed vision specialist in lieu of taking a vision test
33 administered by the department. This is current practice for
34 applicants for a noncommercial license.

35 Code section 321.188 is amended, and Code section 321.207 is

1 created, to require an applicant to provide self-certification
2 of type of driving and a medical examiner's certificate
3 before the department issues, renews, or upgrades the person's
4 commercial driver's license. The department's notification
5 to the national commercial driver's license information
6 system of the issuance, renewal, or upgrade of a license shall
7 include the driver's self-certification and medical examiner's
8 certificate. The department is required to establish rules for
9 downgrading a commercial driver's license to noncommercial for
10 failure to provide self-certification of type of driving or a
11 medical examiner's certificate.

12 Code section 321.194 is amended to provide that the
13 department may suspend a special minor's driver's license,
14 which is issued to a person between 14 and 18 years of age
15 for travel to and from school if the department receives
16 satisfactory evidence that the person violated the restrictions
17 of the special minor's license, including the restriction
18 against use of an electronic communication or entertainment
19 device while driving. The bill also provides that if a
20 citation is issued for such a violation it must be issued under
21 Code section 321.194 and not Code section 321.193, relating to
22 license restrictions in general.

23 Code section 321.376 is amended to specify that a mechanic,
24 delivery driver, or other person operating an empty school
25 bus for purposes other than the transportation of passengers
26 is not considered a "school bus driver" for purposes of Code
27 sections 321.375 and 321.376, which establish special physical
28 and instructional requirements for school bus drivers. A
29 commercial driver's license valid for the vehicle operated,
30 including a passenger endorsement, is required for operation
31 of an empty school bus, but a school bus endorsement is not
32 required.

33 Code section 321A.5 is amended to increase the property
34 damage threshold amount triggering special financial
35 responsibility requirements following a motor vehicle accident

1 from \$1,000 to \$1,500. In addition, Code sections 321G.10 and
2 321I.11 are amended to raise the property damage threshold
3 amount triggering accident reporting requirements for accidents
4 involving snowmobile and all-terrain vehicles from \$1,000 to
5 \$1,500. In 2010, motor vehicle accident reporting requirements
6 were revised to require an accident report to be made following
7 any motor vehicle accident resulting in property damage of
8 \$1,500 or more.

9 Code section 321A.17 is amended to provide that a
10 person applying for a driver's license following a period
11 of suspension is not required to meet proof of financial
12 responsibility requirements if the person was issued a special
13 minor's license under Code section 321.178 and the suspension
14 was for a violation of the restrictions applicable to that
15 license. Similar provisions currently apply for licenses and
16 permits issued under the graduated driver licensing program
17 in Code section 321.180B and for restricted licenses issued
18 to persons between 16 and 18 years of age under Code section
19 321.194.

20 Code section 322C.3 is amended to provide that conviction of
21 a fraudulent practice; conviction of three or more violations
22 of Code section 321.92, subsection 2, relating to vehicles
23 without identification numbers, or Code section 321.99,
24 relating to fraudulent use of a vehicle registration card,
25 plate, or permit; or conviction of any other indictable
26 offense in connection with selling or other activity relating
27 to vehicles, in this state or any other state, disqualifies
28 a person from acting as or representing themselves as an
29 owner, salesperson, employee, officer of a corporation, or
30 representative of a licensed travel trailer dealer for five
31 years from the date of conviction.

32 Code sections 325A.4 and 325A.21 are amended to eliminate
33 provisions allowing for the transfer of a regular-route
34 passenger certificate.

35 Code sections 327B.1 and 327B.2 are amended by striking

1 obsolete provisions relating to the registration of interstate
2 carriers under the single state insurance registration program
3 to reflect that Iowa now participates in the unified carrier
4 registration agreement for regulated motor carriers. The bill
5 strikes the requirement for a motor carrier to carry evidence
6 of interstate authority in the motor vehicle being operated.
7 Currently, the penalty for failure to carry proper evidence of
8 interstate authority or exemption from authority is a scheduled
9 fine of \$250. The bill strikes that provision and replaces
10 it with a \$250 scheduled fine for failure to register and pay
11 required fees under the unified carrier registration system and
12 for failure to register interstate authority or exemption from
13 authority with the state department of transportation. Code
14 section 805.8A is also amended by striking the penalty for
15 failure to have proper carrier identification markings.

16 Code section 901.5 is amended to allow the department of
17 transportation to issue a temporary restricted driver's license
18 without a court order to a defendant whose license has been
19 ordered revoked in cases involving controlled substance-related
20 offenses.

21 DIVISION II — PUBLIC TRANSIT. Under current law, the
22 department of transportation is required to submit an annual
23 report to the general assembly, the department of management,
24 and the governor providing an analysis of transit programs
25 financed by federal, state, local, and private aid and stating
26 the receipts and disbursements for the programs during the
27 preceding fiscal year. The amendment to Code section 324A.4
28 eliminates the detailed financial accounting from the reporting
29 requirement and provides for a biennial rather than annual
30 report to be made to the general assembly and the governor
31 only. In its report, the department is to recommend methods to
32 increase transportation coordination and improve efficiency of
33 government programs used to finance public transit services.